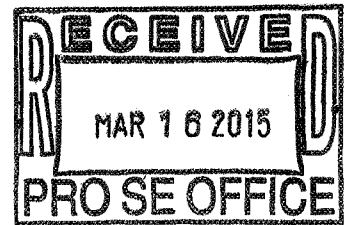


15CV2030

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESMERALD HAMZARAJ



(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION**

ABM JANITORIAL NORTHEAST INC.

Jury Trial: ☒ Yes ☐ No

(check one)

8101 West Sam Houston Parkway South

Suite 150. Houston, TX 77072

(In the space above enter the full name(s) of the defendant(s).  
If you cannot fit the names of all of the defendants in the space  
provided, please write "see attached" in the space above and  
attach an additional sheet of paper with the full list of names.  
Typically, the company or organization named in your charge  
to the Equal Employment Opportunity Commission should be  
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☐

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name ESMERALD HAMZARAJ  
 Street Address 254 E 203 STREET APT 4H  
 County, City BRONX, NY.  
 State & Zip Code 10458  
 Telephone Number 347-317-8981

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Miranda Tolar Deputy General Counsel. ABM JANITORIAL NORTHEAST INC  
 Street Address 8101 West Sam Houston Parkway Suite 150  
 County, City Houston, TX  
 State & Zip Code 77072  
 Telephone Number \_\_\_\_\_

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer ABM JANITORIAL SERVICES (located at: Janitorial Services office L A)  
 Street Address 1585 Broadway Building  
 County, City New York, NY  
 State & Zip Code 10036  
 Telephone Number 212 761 1956

**II. Statement of Claim:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

\_\_\_\_\_ Failure to hire me.  
 \_\_\_\_\_ Termination of my employment.  
X \_\_\_\_\_ Failure to promote me.  
 \_\_\_\_\_ Failure to accommodate my disability.  
 \_\_\_\_\_ Unequal terms and conditions of my employment.

Retaliation.

☒Other acts (specify): insult, threat to be fired.

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: Oct.06.14 to Oct.31.14  
Date(s)

C. I believe that defendant(s) (check one):

☐ is still committing these acts against me.

☒

is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☐ race \_\_\_\_\_ ☐ color \_\_\_\_\_

☒ gender/sex male ☐ religion \_\_\_\_\_

☐ national origin \_\_\_\_\_

☒ age. My date of birth is 02.07.1964 (Give your date of birth only if you are asserting a claim of age discrimination.)

☐ disability or perceived disability, \_\_\_\_\_ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

Exist two calls evidence(facts) respectively, Oct. 09.2014 after 06:15 pm and Oct.28.2014 after 06:15pm in my Manager office. In conversation are included: my Manager Sam Haxhaj his boss Gorlan Papa and me. These calls are main facts that prove the insult against me, the threat against me to be fired, the discrimination of age to failure to promote me in my claim on new open position.

My personal diary, also is a proof (fact) which shows tha age discrimination against me.

During the process if is necessary, I'm willing to present evidence (fact, proof) that shed light and help to clarify the allegations for insult, threat to be fired, age discrimination.

**Note:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

### III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: December. 19.2014 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☒ has not issued a Notice of Right to Sue letter.  
☐ issued a Notice of Right to Sue letter, which I received on 12.29.2014 (Date).

*Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☒ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

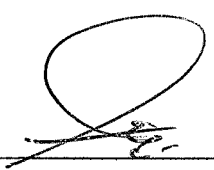
IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: \_\_\_\_\_

\_\_\_\_\_  
(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of March, 2015.

Signature of Plaintiff ESMERALD HAMZARAJ   
Address 254E 203 STREET APT 4H  
BRONX NY 10458  
\_\_\_\_\_  
Telephone Number 347-317-8981  
Fax Number (if you have one) \_\_\_\_\_

**ESMERALD HAMZARAJ**

March,16.2015

254E 203 ST APT 4H

BRONX, NY 10458

**Subject: Possible brief facts on my complain:**

1.

I want to point out on December 5, 2014 I submitted my complaint to Union 32BJ and Human Resource on AB.M JANITORIA SERVICES.NORTHEAST INC. 321 West 44th STREET,FL 7 NEW YORK, NY, regarding my refusal to get into 1585 Broadway building where I do my daily work in the city of New York.

My refusal to get inside the building and start working was communicated to me verbally by Project Manager Sam Haxhaj at 7:25 pm on December 04, 2014.

2.

Since the day I submitted my complaint at Union 32BJ until now I have not received any official communication explaining the reason of my suspension from work.

3.

My encounter with union representative Susan Sherman whose job is to cover complaints for building location 1585 Broadway, where I work at, informed me as follows:

I'm temporarily terminated from work until the conclusion of the investigation of what happened in December 04-2014 at 1:25 am.

So base as described above:

**I express my conviction that my dismissal from work is unfair and intentionally committed as a revenge from my manager Sam Haxhaj for the following reasons:**

Reason #1:

His actions formed me to write the complaint to Union 32 BJ for not giving me new job position in the Cafeteria- LA.

Reason #2:

I did not listen to my Supervisor, Sam Haxhaj's request for revocation of my complaint to Union 32BJ, in exchange for a newer position to be opened in the future as a cleaner in the same building.

Reason #3:

It was my complaint filed to Human Resource Department at AMB in relation to his behavior and illegal procedures against me by Sam Haxhaj.

These are factual reasons for which Union 32BJ is made clear by me with regard in November 11-2014, through a document presented to the HR Dept.and ABM.

The following facts are incontrovertible and prove that my dismissal from work was unfair and conducted as revenge against me.

1. The telephone conversation between me and Mr. Gorian Papa via personal telephone with Sam Haxhaj, is a fact. The telephone conversation was made possible by Sam Haxhaj in his office. The purpose of the conversation was to warn me of my dismissal from work if i did not retract my complaint to the Union.

2. Negative example reported against me by Mrs. Nancy for the dismissal of 75 workers within three months of Union Bank Of America. It is an undeniable fact that they warned me of my dismissal from work if I complained to the Union because I was new in this building and my status was hidden to the Union.

3. It is a fact when Sam Haxhaj brought me into his office, telling me not to change jobs. Suggestions that were made by his boss Gorian Papa, since I'm new in this building, I did not take vacations and my salary is less than \$ 23 hours. This conversation was transmitted to Gorian Papa via telephone call in my presence. Sam Haxhaj cites: "In front of me I have Mr. Esmerald, and I told him not to change the position of work and to not appeal to the Union. If the union finds out, I would be immediately fired from my job.

4. It 'a fact that immediately after my complaint in October 17, 2014 to my Union I have been threatened by Gorian Papa regarding my dismissal. He told me on the phone that my complaint to the Union was a real threat to him.

In Sam Haxhaj's office, with the door closed, he threatened me that I would be fired immediately if I were to refuse to talk on the phone with his boss Gorian Papa. The purpose of the conversation was to pressure me to retract my complain to the Union.

5. It 'a fact that when you opened the new plan 25 of 1585 Broadway Sam Haxhaj ironically by phone from his office tells me that the dismissal from work is a matter of days. "You are a good boy," We will do our best to settle the case.

6- This is a evidence the way as hired the new workesr via inside connections in violation of the law by Sam Haxhaj and Gorian Papa. This is a fact, affirmed by Sam Haxhaj in conversation with me. The same statement also goes for Gorian Papa by phone.

Sam Haxhaj says: "E mor zoteri, mos kishe ardh ti me menyren se si ke ardh ti ketu e kishe pa veten jashte (fiuuu)..hu--huu. skish taku k'tu vendi. Por ke ardhe dhe sikur te tjeret vine ketu me ne qe i biem." (translated: ***"Eh sir, if you didn't arrive here in the manner as you have, you would have seen yourself \*fiuuuu hu huu\* (outside) You don't deserve this position . But you are came in like the others, whom come in so as us have brought them.***

All Albanian workers with less seniority than me are used contrary to the provisions of the contract Union 32BJ - ABM!

7- It's a fact as one of the witnesses, by phone certifies that it has signed against his will, under the pressure of his manager SAM Haxhaj

8- It's a fact, that the achievement of Sam Haxhaj for my suspension from work, has shown that the Union has not acted towards my protection. The Union has shown the same reaction when he was not able to protect me towards being hired for the new position. It really happened as

declared by Sam Haxhaj: "The Union will play the violin." (an old Albanian saying stating one does nothing if compared to playing a violin.)

9- It 'a fact that the Union was informed by me with a document dated November 11 2014 regarding illegal acts against me by Sam Haxhaj.

**10- It'a fact where my manager Sam Haxhaj told me about open new position: This position not belong you because you are old man.**

**Also it' a fact where my manager told me : propably this position is for woman,non for man!**

The Union and HResource A.B.M inc is fully informed about the discriminatory acts against me.

I explained my situation for 20 consecutive days, where I worked in a state of fear and psychological tension due to intimidation and terror created Sam Haxhaj.

The fact is, that I have followed all levels of appeal to resolve and protect my dignity, my right to work and most of all, my rights as a human being living in a democracy.

I am requesting justice towards those who have violated the law and my rights. It's my right to present the facts to justice. This has been my goal ever since I came in the USA; to be free and dignified.

I have confidence in this system.

Very Truly Yours

A handwritten signature in black ink, appearing to be a stylized 'S' or 'H' with a flourish at the end.



**ESMERALD HAMZARAJ**

March,16.2015

254E 203 ST APT 4H

BRONX, NY 10458

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I have confidence in this system.

Very Truly Yours

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m 161 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Esmerald Hamzaraj**  
**254 East 203rd Street**  
**Apt. #4h**  
**Bronx, NY 10458**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2015-00850**

**Emily F. Haimowitz,**  
**Investigator**

**(212) 336-3759**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

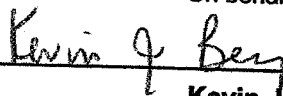
(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)



**Kevin J. Berry,**  
**District Director**

**12/29/2014**  
 (Date Mailed)

cc:

**Miranda Tolar**  
**Deputy General Counsel**  
**ABM JANITORIAL NORTHEAST INC.**  
**8101 West Sam Houston Parkway South**  
**Suite 150**  
**Houston, TX 77072**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
For General Information: (800) 669-4000  
TTY: (800)-669-6820  
District Office: (212) 336-3620  
General FAX: (212) 336-3625

Mr. Esmerald Hamzaraj  
254 East 203<sup>rd</sup> Street, Apt 4H  
Bronx, NY 10458

Re: EEOC Charge No. 520-2015-00850  
Hamzaraj v. ABM Janitorial Services Northeast Inc.

Dear Mr. Hamzaraj,

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission") has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

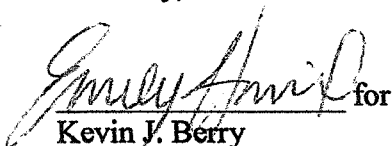
In accordance with these procedures, we have examined your charge based upon the information and evidence you submitted. You allege you were subjected to discrimination based on your sex, age, and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967, as amended.

Based upon the Commission's analysis, it is unable to conclude that the information establishes a violation of Federal law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost.

Please contact Investigator Emily Haimowitz at 212-336-3759 if you have any questions.

Sincerely,

  
Kevin J. Berry  
District Director

12/29/2014  
Date

# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office – INTAKE

33 Whitehall Street, 5<sup>th</sup> Floor

New York, NY 10004

**COPY**

This agency enforces the laws against discrimination in employment based on race, color, religion, national origin, age, sex, disability, or genetic information. The event you are complaining about must have occurred within a maximum of 300 days of the filing of a charge. Our jurisdiction covers public and private employers with 15 or more employees (20 or more employees for age complaints), labor unions, and employment agencies located in New York State south of Albany. If you work for the Federal Government, you must first contact your agency's Equal Employment Office in order to file a complaint.

To better serve your interest and avoid delays in processing your complaint, please answer the following questions:

NAME: ESMERALD HAMZARAJ

TEL. NO. WHERE WE CAN CONTACT YOU: 347-317-8981

A. What was the Latest or Most Recent Date of discrimination which you are alleging?

To OCT 6 - 2014 - OCT 31 - 2014

B. Does your employer have fewer than 15 employees (20 for age complaints)?

Yes X No      How many employees? more than 50

C. Have you filed a complaint with another agency (such as the New York State Division of Human Rights or the New York City Commission on Human Rights)?

Yes X No     

If Yes, Name of agency and date of filing:

HR DECEMBER 11 - 2014

D. Do you work for a Federal Government Agency (Such as the U.S. Postal Service)?

Yes      No X

**\*\*\*IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE SEE THE RECEPTIONIST, AS THE EEOC MAY NOT HAVE JURISDICTION OVER YOUR CLAIMS**

If you answered NO to the above questions, please fill out the questionnaire and return it the receptionist, who will give you further instructions about our procedures.



520-2015-00850



# U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

**RECEIVED**  
DEC 19 2014  
EEOC-NYDO-CRTIU

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

## 1. Personal Information

Last Name: HAMZARAJ First Name: ESMERALD MI: \_\_\_\_\_  
Street or Mailing Address: 254 E 203rd STREET Apt or Unit #: 4H  
City: BRONX County: NY State: NY Zip: 10458  
Phone Numbers: Home: (347) 591 5651 Work: ( )  
Cell: (347) 317 8981 Email Address: monham95@yahoo.it  
Date of Birth: 02-07-1964 Sex: ☒ Male ☐ Female Do You Have a Disability? ☐ Yes ☒ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☒ White  
☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? ALBANIAN

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: ERMAL HAMZARAJ Relationship: BROTHER  
Address: 2039 BLACK ROCK AV. City: BRONX State: NY Zip Code: 10472  
Home Phone: ( ) Other Phone: (914) 557 8971

## 2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) \_\_\_\_\_

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: ABM JANITORIAL SERVICES NORTHEAST INC.  
Address: 321 WEST 44TH STREET County: \_\_\_\_\_  
City: MANHATTAN (NEW YORK) State: NY Zip: 10036 Phone: (212) 297 9759  
Type of Business: SERVICES Job Location if different from Org. Address: MANHATTAN 1585 BROADWAY.  
Human Resources Director or Owner Name: \_\_\_\_\_ Phone: ( )

Number of Employees in the Organization at All Locations: Please Check (✓) One

☐ Fewer Than 15 ☒ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☐ More than 500

## 3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☐ No

Date Hired: MARCH 25-2013 Job Title At Hire: CLEANER  
Pay Rate When Hired: \_\_\_\_\_ Last or Current Pay Rate: \_\_\_\_\_  
Job Title at Time of Alleged Discrimination: CLEANER Date Quit/Discharged: DIC-04-2014  
Name and Title of Immediate Supervisor: SHPEND (SAM) HAXHAJ



If Job Applicant, Date You Applied for Job \_\_\_\_\_ Job Title Applied For \_\_\_\_\_

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☐ Race ☒ Sex ☒ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved: i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: \_\_\_\_\_

If you checked genetic information, how did the employer obtain the genetic information? \_\_\_\_\_

Other reason (basis) for discrimination (Explain): \_\_\_\_\_

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.  
(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: OCT 6, 9, 28, 31, 2014 Action: insult, harassed, age discrimination, sex discrimination, harassed discrimination. - All of these to deny a open position announced.

Name and Title of Person(s) Responsible: SHPEND (SAM) HAXHAJ

B. Date: OCT 6, 9, 28, 31, 2014 Action: insult, offend, harassed discrimination, age discrimination, sex discrimination.

Name and Title of Person(s) Responsible SHPEND (SAM) HAXHAJ.

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

To deny an open position in cafeteria. workplace

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

BECAUSE I DID NOT TAKEN (HIRE) THE JOB AMONG CONNECTION, LIKE OTHER WORKER HE DONOT SUPPOSE, DONOT LIKE WORK WITH PEOPLE WHO ARE AGAINST HIS PRACTICE HIRED.

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name	Race, sex, age, national origin, religion or disability	Job Title	Description of Treatment
A. ALBERT	CONNECTION	UTILITY	ABETMENT WORK PL
B. ERVIN KASHARI	CONNECTION	UTILITY	ABETMENT WORK PLACE

Of the persons in the same or similar situation as you, who was treated *worse* than you?

Full Name	Race, sex, age, national origin, religion or disability	Job Title	Description of Treatment
A. <del>KE</del> KRISTO FONDACKI		CLEANER	PHYSICAL CONTACT.

B. \_\_\_\_\_

Of the persons in the same or similar situation as you, who was treated the *same* as you?

Full Name	Race, sex, age, national origin, religion or disability	Job Title	Description of Treatment
A. SET RANDALL	N/A	CLEANER	DENY OPEN POSITION.

B. DAVON BECHBOLL	N/A	CLEANER	DENY OPEN POSITION
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Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☐ Yes, I have a disability  
☐ I do not have a disability now but I did have one  
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☐ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☐ Yes ☐ No

If "Yes," when did you ask? \_\_\_\_\_ How did you ask (verbally or in writing)? \_\_\_\_\_

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for: \_\_\_\_\_

How did your employer respond to your request? \_\_\_\_\_

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name	Job Title	Address & Phone Number	What do you believe this person will tell us?
A. NANCY	Employee	Office number 212 761 1956	NOTHING TRUE.
B. ILMU	EMPLOYEE	212 380 8273	NOTHING TRUE.

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☒ Yes ☐ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: DEC. 11-2014  
HUMAN RIGHT - BRONX + FORDHAM PLAZA

16. Have you sought help about this situation from a union, an attorney, or any other source? ☒ Yes ☐ No  
 Provide name of organization, name of person you spoke with and date of contact. Results, if any?

HUMAN RESOURCE AT THE ABM Janitorial Services - NOV-11-2014.  
RECEPTION PERSON I SPOKE - #132BJ UNION SUZAN SHERMAN.

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

**BOX 1** ☒ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

**BOX 2** ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

ESMERALD HAMZARAJ  
 Signature

DEC. -19-2014  
 Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08).
- 2) AUTHORITY. 42 USC § 2000e-5(b), 29 USC § 211, 29 USC § 626, 42 USC § 12117(a), 42 USC § 2000ff-8.
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.



NEW YORK STATE  
**DIVISION OF HUMAN RIGHTS**  
ADAM CLAYTON POWELL STATE OFFICE BUILDING  
163 WEST 125TH STREET, ROOM 401  
NEW YORK, NEW YORK 10027

(212) 961-8650  
Fax: (212) 961-4425  
www.dhr.ny.gov

ANDREW M. CUOMO  
GOVERNOR

HELEN DIANE FOSTER  
COMMISSIONER

February 26, 2015

Esmerald Hamzaraj  
254 East 203rd Street, #4H  
Bronx, NY 10458

Re: Esmerald Hamzaraj v. ABM Industries, Inc.  
Case No. 10173045

Dear Esmerald Hamzaraj:

Please be advised that this office has received your complaint. Your filing date is 2/26/2015.

A copy of your complaint, and the determination, will be sent to the U.S. Equal Employment Opportunity Commission (EEOC), so that your complaint may be dual-filed under applicable federal law. Your EEOC charge number is 16GB501221.

To protect your rights, it is essential that the Division be notified promptly of any change in your address or telephone number. A form is enclosed for this purpose.

You will be contacted by the Human Rights Specialist assigned to your case when the active investigation of your complaint begins. In the meantime, if you have any questions please call our office at (212) 961-8650.

Very truly yours,

A handwritten signature in black ink that reads "David E. Powell".

David E. Powell  
Regional Director



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David E. Powell  
Regional Director



ANDREW M. CUOMO  
GOVERNOR

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

ESMERALD HAMZARAJ,

Complainant,

v.

ABM INDUSTRIES, INC.,

Respondent.

VERIFIED COMPLAINT  
Pursuant to Executive Law,  
Article 15

Case No.  
**10173045**

Federal Charge No. 16GB501221

I, Esmerald Hamzaraj, residing at 254 East 203rd Street, #4H, Bronx, NY, 10458, charge the above named respondent, whose address is 322 West 45th Street 7th Floor, New York, NY, 10018 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of sex.

Date most recent or continuing discrimination took place is 10/9/2014.

The allegations are (Translated from Albanian by LanguageLine):

1. I am a Male who is 51 years of age (D.O.B. 2/7/64). Because of this, I have been subject to unlawful discriminatory actions.
2. It all started when I filed a complaint with the Union 32BJ after I was rejected for a job position (open position). September 29, 2014. Regarding dates October 6, 2014, October 9, 2014, October 28, 2014, October 30, 2014, October 31, 2014, I have filed a complaint with the Union on October 17, 2014.
3. Shpend Haxhaj and his manager Gorian Papa refused to give me the new job position at the place, so-called coffee bar, level A. In order to achieve his goals, the project manager threatened to suspend and fire me, and these are facts I can prove:
4. He has discriminated against me based on my age - fact I can prove. He has discriminated against me based on my gender - fact I can prove;



5. He has discriminated against me by showing favoritism to other employees who misjudged me so they could earn the job position; He has insulted me by saying that I behave like King Kong, the gorilla;

6. He has directly threatened me by saying: "America has rules and regulations, but there is something else underground that you don't understand". "You think that you can catch God's balls" (sorry for this expression but I must say it) - fact I can prove.

7. He further threatened me by saying: "If you file a complaint with the Union they will fire you. You have been working here illegally and I kept you, otherwise you would not be here anymore."

8. In order to kick me out, he coordinated an incident outside the building. He urged an employee to insult me and when I tried to explain the situation he tried to hit me.

9. I have uncontested evidence regarding all the discrimination. All facts are being translated from Albanian to English. Everything I have stated so far is based on facts - proofs.



ANDREW M. CUOMO  
GOVERNOR

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

ESMERALD HAMZARAJ,

Complainant,

v.

ABM INDUSTRIES, INC.,

Respondent.

VERIFIED COMPLAINT  
Pursuant to Executive Law,  
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### NOTARIZATION OF THE COMPLAINT

Based on the information contained in this form, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing my housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Esmeralda Hamzary  
Sign your full legal name

Subscribed and sworn before me

This 20<sup>th</sup> day of Jan, 2015

Roseann L. Aprea  
Signature of Notary Public

County: Bronx, NY Commission expires: 8/15/18

ROSEANN L. APREA  
NOTARY PUBLIC, State of New York  
No. 03-4940990  
Qualified in Bronx County  
Commission Expires 8/15/18

**Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.**

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Esmeralda Hamzary  
Sign your full legal name

Subscribed and sworn before me  
This 30<sup>th</sup> day of Jan, 2015

Roseann L. Aprea  
Signature of Notary Public

County: Bronx, NY Commission expires: 8/15/18

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NOTARY PUBLIC, State of New York  
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